

62. Unfortunately, Judge Scheindlin's actions from April 25 to June 21, 2007 show that is not possible.

63. We fear that if Judge Scheindlin is allowed to continue with this case, all future submissions and motion practice before her will be tainted because of her bias, prejudice, improper communications with non-parties and/or consideration of and allowing alleged facts and information from non-parties to be included in or affect her decisions.

64. We fear that we will end up wasting more time and money in going through the necessary Motion practice in order to establish a record on Appeal that the 2nd Circuit will ultimately review.

65. We respectfully submit the interests of justice would best be served if Judge Scheindlin recuses herself and allows these issues to be decided by an impartial Judge who is not prejudiced or biased and who has not engaged in or considered communications and information from non-parties and information such as those which tainted Judge Scheindlin.

DECLARATION UNDER 28 USC § 1746

I declare, verify, certify and state under the penalty of perjury the foregoing statements to be true.

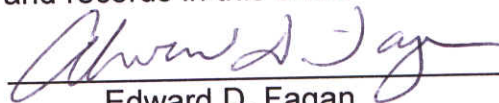
Dated: 25 June 2007
Tokyo, Japan

/s/ original signature being provided separately
Dr. Toichiro Kigawa

DECLARATION IN ACCORDANCE WITH 28 USC § 1746
AND AS REQUIRED BY 28 USC §144

I have read the above Declaration of Bias, Dr. Kigawa authorized it to be submitted and his original signature is coming separately. No prior Declarations of Bias have been filed and this Declaration has been made in Good Faith after considering the facts, documents and records in this case.

Dated: 25 June 2007
New York, NY


Edward D. Fagan